



COUNTY OF LOS ANGELES

CLAIMS BOARD

500 WEST TEMPLE STREET

LOS ANGELES, CALIFORNIA 90012

MEMBERS OF THE BOARD

Maria M. Oms
Auditor-Controller
John F. Krattli
Office of the County Counsel
Rocky Armfield
Chief Administrative Office

May 8, 2006

Honorable Board of Supervisors
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Re: **Tammy Z. v. County of Los Angeles**
United States District Court Case No. CV 05-7898 SVW (VBKx)

Dear Supervisors:

The Claims Board recommends that:

1. The Board authorize settlement of the above-entitled action in the amount of \$325,000.00.
2. The Auditor-Controller be directed to draw a warrant to implement this settlement from the Sheriff's Department.

Enclosed is the settlement request and a summary of the facts of the case.

The Corrective Action Report by the Sheriff's Department is being transmitted to you under separate cover.

Return the executed, adopted copy to Georgene Salisbury, Suite 648
Kenneth Hahn Hall of Administration, Extension 4-1803.

Very truly yours,

A handwritten signature in black ink, appearing to read "Maria Oms", is written over a horizontal line.

Maria M. Oms, Chairperson
Los Angeles County Claims Board

MMO:gs

Enclosures

MEMORANDUM

April 12, 2006

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: MILDRED K. OLINN
Manning & Marder, Kass, Ellrod, Ramirez, LLP

GORDON W. TRASK
Principal Deputy County Counsel
Law Enforcement Services Division

RE: Tammy Z. v. County of Los Angeles
United States District Court Case No. CV 05-7898 SVW (VBKx)

DATE OF
INCIDENT: January 22, 2005

AUTHORITY
REQUESTED: \$325,000

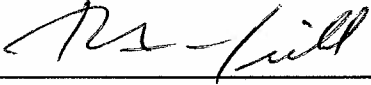
COUNTY
DEPARTMENT: Sheriff's Department


CLAIMS BOARD ACTION:

☐ Approve

☐ Disapprove

☒ Recommend to Board of
Supervisors for Approval


_____, Chief Administrative Office
ROCKY A. ARMFIELD


_____, County Counsel
JOHN F. KRATTLI


_____, Auditor-Controller
MARIA M. OMS

on May 8, 2006

SUMMARY

This is a recommendation to settle for \$325,000 a federal civil rights lawsuit filed by Tammy Z., who alleges that she was sexually assaulted by a Sheriff's Deputy during a traffic stop.

LEGAL PRINCIPLES

Under federal law, a police officer who sexually assaults an arrestee is liable for a civil rights violation.

Under California law, the County is vicariously liable for a sexual assault by an on-duty police officer.

SUMMARY OF FACTS

Tammy Z. alleges that on January 22, 2005, she was driving in the City of Lancaster when she was pulled over by a Sheriff's Deputy. She alleges that after she told the Deputy that she did not have possession of her driver's license and was on probation, the Deputy frisked her and placed her in the back seat of his car.

Tammy Z. alleges that the Deputy then drove her to a remote location and told her that if she engaged in a sexual encounter with him, he would not arrest her. According to Tammy Z., the Deputy came around to the back seat and forced her to engage in a sexual act with him.

The Deputy contends that the sexual encounter was consensual. The District Attorney declined to file criminal charges against the Deputy.

DAMAGES

Should this matter proceed to trial, we estimate the potential damages could be as follows:

Emotional distress	\$1,000,000
Civil Rights Attorneys' fees	<u>\$ 250,000</u>
Total	<u><u>\$1,250,000</u></u>

The proposed settlement calls for the County to pay \$325,000 to Tammy Z. for all of her claims for damages, costs and attorneys' fees.

STATUS OF CASE

The trial court proceedings have been suspended pending consideration of the proposed settlement.

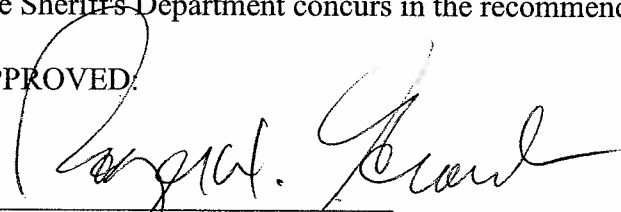
Expenses incurred by the County in defense of this matter are attorneys' fees of \$5,209 and \$47 in costs.

EVALUATION

This is a case of probable liability. A jury is unlikely to find that the encounter was consensual, since the Deputy was in uniform and was carrying a gun. A reasonable settlement at this time will avoid further litigation costs and a potential verdict which, along with attorneys' fees, would likely exceed the proposed settlement.

We recommend settlement of this matter in the amount of \$325,000. The Sheriff's Department concurs in the recommendation to settle this matter.

APPROVED:



ROGER H. GRANBO
Assistant County Counsel
Law Enforcement Services Division

GWT:bl